

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE: /S/ ISMAEL RAMOS DIAZ

BK. CASE # 10-04454

/S/ FRANCISCA AMACHO MUÑOZ

DEBTOR(S)

CHAPTER 13

## CHAPTER 13 PAYMENT PLAN

**NOTICE:** • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:  
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.  
 2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.  
☒ 3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

## PLAN DATED:

☒ PRE ☐ POST-CONFIRMATION☒ AMENDED PLAN DATED: September 16, 2010FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

## I. PAYMENT PLAN SCHEDULE

\$ 300	x	5	= \$	1,500
\$ 390	x	49	= \$	19,110
\$ 865	x	6	= \$	5,190
\$	x		= \$	0
\$	x		= \$	0
TOTAL = 60			\$	25,800

Additional Payments:

\$ \_\_\_\_\_ to be paid as a LUMP SUM within \_\_\_\_\_ with proceeds to come from

☐ Sale of property identified as follows:☒ Other: PLAN INCREASE WHEN VEHICLE PAYMENTS END

Periodic Payments to be made other than and in addition to the above.

\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_ 0

To be made on: \_\_\_\_\_

PROPOSED PLAN BASE: \$ 25,800

## II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement: \$ 3,000  
 b. Fees Paid (Pre-Petition): (\$ 378 )  
 c. R 2016 Outstanding balance: \$ 2,622  
 d. Post Petition Additional Fees: \$ \_\_\_\_\_  
 e. Total Compensation: \$ 3,000

Signed:

DEBTOR /S/ ISMAEL RAMOS DIAZ

JOINT DEBTOR /S/ FRANCISCA AMACHO MUÑOZ

## III. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS: ☐ Debtor represents that there are no secured claims.☒ Secured creditors will retain their liens and shall be paid as follows:☐ ADEQUATE PROTECTION Payments: Cr. \_\_\_\_\_ \$ \_\_\_\_\_☒ 1 Trustee will pay secured ARREARS:

Cr. BBVA	Cr. _____	Cr. _____
Acct. 03249615322984	Acct. _____	Acct. _____
\$ 600	\$ _____	\$ _____

☐ Trustee will pay REGULAR MONTHLY PAYMENTS:

(please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
Monthly Pymt.\$ _____	Monthly Pymt.\$ _____	Monthly Pymt.\$ _____

☒ 2 Trustee will pay IN FULL Secured Claims:

Cr. M. BERRIOS	Cr. _____	Cr. _____
\$ 2,200	\$ _____	\$ _____

☐ Trustee will pay VALUE OF COLLATERAL:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. INSURANCE POLICY will be paid through plan:

Cr. \_\_\_\_\_ Ins. Co. \_\_\_\_\_ Premium: \$ \_\_\_\_\_

(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor SURRENDERS COLLATERAL TO Lien Holder:☒ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:

BBVA FROM JUNE 2010 ON

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify Claims.☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead": \_\_\_\_\_☐ Class B: ☐ Other Class: \_\_\_\_\_

<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____
\$ _____	\$ _____	\$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ \_\_\_\_\_)

☐ Will be paid 100% plus \_\_\_\_\_ % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

## OTHER PROVISIONS:

ATTORNEY FOR DEBTOR: VICTOR GRATACOS DIAZ

Phone: (787) 746-4772

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

**IN RE:**

**ISMAEL RAMOS DIAZ  
FRANCISCA CAMACHO MUÑOZ**

**DEBTORS**

**CASE # 10-04454 SEK**

**CHAPTER 13**

**MOTION TO AMEND PLAN**

**TO THE HONORABLE COURT:**

**COMES NOW**, Debtors through the undersigned attorney and respectfully requests and prays as follows:

1. Debtors filed a Chapter 13 petition on May 25, 2010 for which the confirmation of the plan is still pending.
2. Debtors are amending their Chapter 13 plan to increase plan base. Enclosed copy of the amended plan.
3. For the reason state above, Debtors request the amended plan be approved.

**WHEREFORE**, Debtors request for an Order granting the present motion with any other provision that in accordance to law this Honorable Court deems, just and proper.

**HEREBY CERTIFY**, that a copy of the Amended Plan has been electronically filed with the Clerk of the Bankruptcy Court using CM/ECF which will forward a copy of the same to the office of Jose R. Carrion Morales, Esq.; Chapter 13 Trustee and to all creditors and parties in interest as per the Master Address List giving them twenty-five (25) days to reject the proposed plan and request a hearing. Absent good cause, untimely rejections shall be denied. **THAT NOTICE OF THE FOLLOWING HAS BEEN GIVEN:** Within twenty (20) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this **MOTION TO AMEND PLAN** has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

In Caguas, Puerto Rico, this 16 day of September of 2010.

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/s/ Victor Gratacós Díaz (127906)